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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,419	11/29/2001	Matthew K. Barrow	IDF 1763 (4000-06600)	5992

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EXAMINER
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JEAN GILLES, JUDE

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/998,419	<b>Applicant(s)</b> BARROW, MATTHEW K.	
	<b>Examiner</b> Jude J Jean-Gilles	<b>Art Unit</b> 2143	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/29/2001</u> | 6) <input type="checkbox"/> Other: _____  |



### **DETAILED ACTION**

This office action is responsive to communication filed on 11/29/2001. Claimed priority is granted from a continuation in part application Priority No. 09747907 with an effective filing date of 11/22/2000.

#### ***Information Disclosure Statement***

1. The references listed on the Information Disclosure Statement submitted on 11/29/2001 have been considered by the examiner (see attached PTO-1449A).

#### ***Drawings***

2. New corrected drawings are required in this application because handwritten labels are confusing in all the drawing sheets. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reichmeyer (U.S. Patent No. 6,286,038 B1) in view of Synnestvedt et al (U.S. Patent No. 6,598,057).

**Regarding claim 1:** Reichmeyer discloses the invention substantially as claimed. Reichmeyer teaches a method for initializing a customer premises telecommunications hub having a link to a central office (*fig. 3*) comprising:

obtaining a configuration file name and a domain name (*column 6, lines 31-42; column 9, lines 15-33*) of a TFTP file server (*column 2, lines 52-58; column 3, lines 41-54*) from a DHCP server in a central office (*fig. 1, items 10-16; fig. 3, item 26; column 4, lines 4-30*),

Reichmeyer further teaches obtaining a configuration file, including a first binary file name, from the TFTP file server (*column 3, lines 41-54*), and a model ID identifying the model of the Hub (*column 8, lines 18-32*).

However Reichmeyer does not expressly disclose creating a second binary file name by combining a model ID identifying the model of the hub with at least part of the first binary file name.

In the same field of endeavor, Synnestvedt et al teach “ *configuration files used to define the equipment’s operating mode such as its class and type of service, and ... creating additional message log file and a parser that performs the matching and comparing of file names..*” [see Synnestvedt; *column 5, lines 10-67*].

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Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Synnestvedt et al's teachings of a second binary file name with the teachings of Reichmeyer, for the purpose of improving the ability of a network "...to *propagate configuration information from the configuration server to the network device...*" as stated by Reichmeyer in lines 41-43 of column 1.

**Regarding claim 2:** The combination Reichmeyer – Synnestvedt discloses a method according to Claim 1, wherein:

said first binary file name includes a prefix identifying a model number [see *Reichmeyer; column 8, lines 18-32*], and said step of creating a second binary file name comprises replacing the prefix of said first binary file name with a prefix comprising the model number of said hub [see *Synnestvedt; column 5, lines 36-67; column 1, lines 41-45*]. By this rationale **claim 2** is rejected.

**Regarding claim 3:** The combination Reichmeyer – Synnestvedt discloses a method according to Claim 1, further comprising: obtaining a binary file [see *Reichmeyer; column 8, lines 8-17*], having the second binary file name from the TFTP file server [see *Synnestvedt; column 5, lines 36-48; note that the file name is parsed here*]. By this rationale **claim 3** is rejected.

**Regarding claim 4:** The combination Reichmeyer – Synnestvedt discloses a method according to claim 3, further comprising: comparing the name of said binary file to said second binary file name [see *Synnestvedt; column 5, lines 36-48*]. By this rationale **claim 4** is rejected.

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**Regarding claim 5:** The combination Reichmeyer – Synnestvedt discloses a method according to claim 4, further comprising: loading said binary file into a first flash memory partition in said hub and designating said first partition as the active partition [see *Reichmeyer; column 3, lines 16-29*]. By this rationale **claim 5** is rejected.

**Regarding claim 6:** The combination Reichmeyer – Synnestvedt discloses a method according to Claim 5 further comprising: rebooting said hub with said binary file in said first flash memory partition [see *Reichmeyer; column 5, lines 17-26; column 11, lines 22-28*]. By this rationale **claim 6** is rejected.

**Regarding claim 7:** The combination Reichmeyer – Synnestvedt discloses a method according to Claim 6 wherein: said binary file is stored in compressed form [see *Synnestvedt; column 2, lines 28-33*] in said first flash memory partition, and on rebooting, said file is expanded and loaded into RAM for operating said hub [see *Reichmeyer; column 3, lines 16-29; column 11, lines 38-41; note that the main memory is the RAM and the static memory is the ROM*]. By this rationale **claim 7** is rejected.

**Regarding claim 8:** The combination Reichmeyer – Synnestvedt discloses a method according to Claim 1, further comprising: checking said first binary file name for the presence of a suffix identifying it as a binary file name, and, if such suffix is not present, adding a suffix identifying said first binary file name as a binary file name [see *Synnestvedt; column 18, lines 57-67*]. By this rationale **claim 8** is rejected.

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**Regarding claim 9:** The combination Reichmeyer – Synnestvedt discloses a method according to Claim 1, further comprising:

- obtaining an IP address of a domain name server from said DHCP server in said central office [see Reichmeyer; *column 7, lines 59-65*], and
- obtaining an IP address of said TFTP server from said domain name Server [see Synnestvedt; *column 6, lines 20-24*]. By this rationale **claim 9** is rejected.

**Regarding claim 10:** The combination Reichmeyer – Synnestvedt discloses a method for providing binary code to a customer premises telecommunications hub having a link to a central office comprising:

- upon rebooting of the hub, sending a DHCP request to a central office DHCP server [see Reichmeyer; *column 11, lines 22-28; column 7, lines 65-67*],
- sending a configuration file name and a domain name of a TFTP server from the central office DHCP server to the hub [see Reichmeyer; *column 6, lines 31-42; column 9, lines 15-33; column 2, lines 52-58*],
- sending a request for the configuration file from the hub to the TFTP Server [see Reichmeyer; *column 4, lines 9-30; column 3, lines 41-54*],
- sending the configuration file, including a first binary file name, from the TFTP server to the hub [see Reichmeyer; *column 3, lines 41-54; column 8, lines 18-32*], and
- creating a second binary file name by combining a model ID [see Reichmeyer; *column 8, lines 18-32*] identifying the model of the hub with at least

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pad of the first binary file name [see Synnestvedt; *column 5, lines 10-67*]. By this rationale **claim 10** is rejected.

**Regarding claim 11:** The combination Reichmeyer – Synnestvedt discloses the method of Claim 10 wherein:

said first binary file name includes a prefix identifying a model number, and said step of creating a second binary file name comprises replacing the prefix of said first binary file name with a prefix comprising the model number of said hub [see Synnestvedt; *column 5, lines 36-67; column 1, lines 41-45*]. By this rationale **claim 11** is rejected.

**Regarding claim 12:** The combination Reichmeyer – Synnestvedt discloses the method of Claim 10, further comprising:

sending a request for the binary file having said second binary file name from the hub to a configuration file server, and sending the binary file having said second binary file name from the configuration file server to the hub [see Reichmeyer; *column 3, lines 41-54*]. By this rationale **claim 12** is rejected.

**Regarding claim 13:** The combination Reichmeyer – Synnestvedt discloses the method of Claim 12 further comprising:

comparing the name of said binary file to said second binary file name [see Synnestvedt; *column 5, lines 36-48*]. By this rationale **claim 13** is rejected.



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**Regarding claim 14:** The combination Reichmeyer – Synnestvedt discloses the method according to claim 13, further comprising:

loading said binary file into a first flash memory partition in said hub and designating said first partition as the active partition [see *Reichmeyer; column 3, lines 16-29*]. By this rationale **claim 14** is rejected.

**Regarding claim 15:** The combination Reichmeyer – Synnestvedt discloses the method according to claim 14, further comprising:

rebooting said hub with said binary file in said first flash memory partition [see *Reichmeyer; column 5, lines 17-26; column 11, lines 22-28*]. By this rationale **claim 15** is rejected.

**Regarding claim 16:** The combination Reichmeyer – Synnestvedt discloses the method according to Claim 15 wherein:

said binary file is stored in compressed form in said first flash memory partition, and on rebooting, said file is expanded and loaded into RAM for operating said hub [see *Reichmeyer; column 3, lines 16-29; column 11, lines 38-41*]. By this rationale **claim 16** is rejected.

**Regarding claim 17:** The combination Reichmeyer – Synnestvedt discloses the method according to Claim 16, further comprising:

checking said first binary file name for the presence of a suffix identifying it as a binary file name, and, if such suffix is not present, adding a suffix identifying said first binary file name as a binary file name [see *Synnestvedt; column 18, lines 57-67*]. By this rationale **claim 17** is rejected.

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**Regarding claim 18:** The combination Reichmeyer – Synnestvedt discloses the method according to Claim 1, further comprising:

- obtaining an IP address of a domain name server from said DHCP server in said central office [see Reichmeyer; *column 7, lines 59-65*], and
- obtaining an IP address of said TFTP server from said domain name server [see Synnestvedt; *column 6, lines 20-24*]. By this rationale **claim 18** is rejected.

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***Conclusion***

5. Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3719.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Jude Jean-Gilles

Patent Examiner

Art Unit 2143

JJG

January 7, 2005



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TECHNOLOGY CENTER 2100